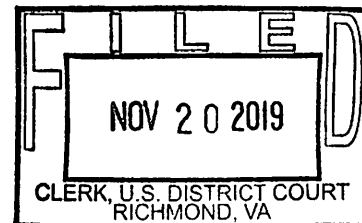


IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA



COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

Action Number 3:19cv860  
(To be supplied by the Clerk, U.S. District Court)

Please fill out this complaint form completely. The Court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

I. PARTIES

A. Plaintiff:

P.W.C. R. J # 11-01467

1. (a) GEORGE EVERETT MIPHERSON (Name) (b) 2.U.C. VA # 1057128 (Inmate number)

(c) 9320 LEE AVE  
(Address)

MANASSAS, VA 20110

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

Plaintiff is advised that only persons acting under the color of state law are proper defendants under Section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under Section 1983. In addition, liability under Section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens, and sheriffs are not liable under Section 1983 when a claim against them rests solely on the fact that they supervise persons who may have violated your rights. In addition, prisons, jails, and departments within an institution are not persons under Section 1983.

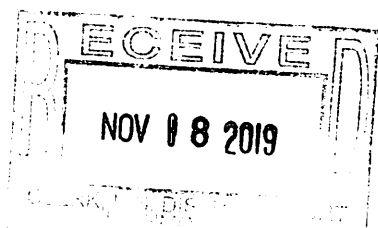
B. Defendant(s):

1. (a) FAUQUIER County  
(Name)

(b) CLERK OF COURT (Circuit)  
(Title/Job Description)

(c) 29 ASHBY STREET  
(Address)

WARRENTON, VA 20186



2. (a) FAUQUIER COUNTY  
(Name)  
(b) COMMONWEALTH ATTORNEY OFFICE  
(Title/Job Description)  
(c) 29 ASHBY STREET  
(Address)  
WARRENTON VA 20184
3. (a) FAUQUIER COUNTY  
(Name)  
(b) ADULT DETENTION CENTER RECORDS  
(Title/Job Description)  
(c) 29 ASHBY STREET  
(Address)  
WARRENTON VA 20184

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

**Plaintiff MUST provide a physical address for defendant(s) in order for the Court to serve the complaint. If plaintiff does not provide a physical address for a defendant, that person may be dismissed as a party to this action.**

## II. PREVIOUS LAWSUITS

- A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes [ ] No [ ☒ ]
- B. If your answer to "A" is Yes: You must describe any lawsuit, whether currently pending or closed, in the space below. If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.

1. Parties to previous lawsuit:

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county):

\_\_\_\_\_

3. Date lawsuit filed: \_\_\_\_\_

4. Docket number: \_\_\_\_\_

5. Name of Judge to whom case was assigned: \_\_\_\_\_

6. Disposition (Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?): \_\_\_\_\_

### III. GRIEVANCE PROCEDURE

A. At what institution did the events concerning your current complaint take place: HENRICO EAST  
17320 NEW FENT HWY BATHAMSVILLE, VA 23226

B. Does the institution listed in "A" have a grievance procedure? Yes [ ] No [ ☒ ]

C. If your answer to "B" is Yes:

1. Did you file a grievance based on this complaint? Yes [ ] No [ ☒ ]

2. If so, where and when: \_\_\_\_\_

3. What was the result? \_\_\_\_\_

4. Did you appeal? Yes [ ] No [ ]

5. Result of appeal: \_\_\_\_\_

D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes [ ☒ ] No [ ]

If your answer is Yes, what steps did you take? I WROTE TO FAIRFAX COUNTY  
DETENTION CENTER INMATE RECORDS, FAIRFAX COUNTY CLERK OF COURT.

E. If your answer is No, explain why you did not submit your complaint to the prison authorities: \_\_\_\_\_

#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

I FIRST CAME INTO CUSTODY ON FEB 19, 2016 IN THE STATE OF MARYLAND AT THIS TIME FARQUER COUNTY AUTHORITIES WERE CONTACTED CONCERNING PENDING CHARGES THEY HAD LODGED AGAINST ME. I WAS GIVEN COPIES OF THE WARRANTS WHICH WERE NOW DETAINERS. I HAD DETAINERS FROM SEVERAL JURISDICTIONS IN VIRGINIA HENRICO COUNTY, PRINCE WILLIAM COUNTY, AND SPOTSYLVANIA COUNTY AND OF COURSE FARQUER COUNTY. VA CODE <sup>①</sup> 53.1-210 "THE AGREEMENT ON DETAINERS" CASE NOTE MILLER V. COMMONWEALTH, 29 VA APP. 625, 513 S.E. 2D 896 (1999) STATES "DETAINDER" CONTEMPLATED BY THIS SECTION (53.1-210) IS NOTIFICATION FILED WITH INSTITUTION IN WHICH A PRISONER IS SERVING A SENTENCE, ADVISING THAT HE IS WANTED TO FACE PENDING CRIMINAL CHARGES IN ANOTHER JURISDICTION." AS OF FEB 19, 2016 I WAS NOT SERVING A SENTENCE YET I WAS GIVEN KNOWLEDGE OF PENDING CHARGES IN VIRGINIA.

ON FEB 1, 2017 I WAS TRANSFERRED INTO THE CUSTODY OF THE MARYLAND DEPT OF COLLECTIONS TO SERVE A 3 YEAR TERM OF CONFINEMENT IMPOSED BY JUDGE ROSS OF THE QUEEN ANNE COUNTY CIRCUIT COURT. MARYLAND. ON 3/10/17 I WAS GIVEN A <sup>②</sup> DETAINER NOTIFICATION FROM MY CASE MANAGER MIL UKPARI FROM THE MARYLAND TRANSITIONAL CENTER

## V. RELIEF

I understand that in a Section 1983 action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. \_\_\_\_\_ (please initial)

The plaintiff wants the Court to: (check those remedies you seek)

☒ Award money damages in the amount of \$ \$60,000.00

☐ Grant injunctive relief by \_\_\_\_\_

☐ Other \_\_\_\_\_

## VI. PLACES OF INCARCERATION

Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date(s) of transfer. Provide an address for each institution.

HENRICO COUNTY EAST 17320 NEW KENT HWY BALTIMORE VA  
PRINCE WILLIAM COUNTY REGIONAL JAIL 9320 LEE AVE MANASSAS VA  
20110

## VII. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

Do you consent to proceed before a U.S. Magistrate Judge: Yes [ ] No [ ]. You may consent at any time; however, an early consent is encouraged.

## VIII. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this 13 day of NOV, 2019.

Plaintiff  

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OF  
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IN BALTIMORE MD. I WAS BEING HOUSED THERE AT THAT TIME. ON APRIL 6, 2017 I WAS GIVEN AN EARLY <sup>(3)</sup> PAROLE HEARING WHERE IT WAS RECOMMENDED I BE PAROLED TO MY "VIRGINIA DETAINERS" ON 5-30-17 THIS <sup>(4)</sup> DECISION BECAME APPROVED. ON FEB 28, 2017 I WAS EXTRADITED TO HENRICO CO. WEST JAIL IN RICHMOND VA. HENRICO WAS THE FIRST JURISDICTION IN THE STATE OF VIRGINIA TO LODGE A WARRANT AGAINST ME. I WOULD BE HOUSED THERE FROM HENRICO JAIL I WOULD BE TRANSPORTED TO THE ABOVE MENTIONED JURISDICTIONS AND THEN RETURNED TO HENRICO AFTER EACH COURT DATE.

SINCE FEB 19, 2014 FAUQUIER COUNTY HAVE KNOWN EXACTLY WHERE I WAS. SEVERAL TIMES I WAS TRANSFERRED FROM ONE JURISDICTION TO ANOTHER IN MARYLAND ALL OF THESE JURISDICTIONS GAVE ME A NO-BAIL STATUS. THIS BECAUSE OF MY PENDING OUT OF STATE DETAINERS. IN ~~THE~~ JAN OF 2017 I LOST MY MOTHER BUT DUE TO MY DETAINERS IN VIRGINIA ANNE ARUNDEL COUNTY DETENTION (MD) CENTER WOULD NOT ALLOW ME TO HEEL FAMILIAL SERVICES.

FAUQUIER COUNTY AUTHORITIES HAS HAD THE OPPORTUNITY TO BRING ME TO COURT AND CHOSE NOT TO. INSTEAD THEY DECIDED TO WAIT UNTIL I WAS FINISHED WITH MARYLAND. WHILE IN MARYLAND MY OPPORTUNITIES TO PARTICIPATE IN PROGRAMS THAT I WOULD OTHERWISE BE ELIGIBLE FOR I WAS NOT ALLOWED TO PARTICIPATE BECAUSE OF MY DETAINERS IN VIRGINIA. VA CODE § 3.1-210 "THE AGREEMENT ON DETAINERS" ARTICLE I, STRICTLY REFERS TO THE OBSTRUCTION OF PROGRAMS ARE PRODUCED

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UNCERTAINTIES OF PRISONER TREATMENT AND REHABILITATION IS HAMPERED THE POLICY OF THIS AGREEMENT IS TO "ENCOURAGE THE EXPEDITIOUS AND ORDERLY DISPOSITION OF SUCH CHARGES".

ACCORDING TO VA CODE <sup>④</sup> §3.1-197 I AM DUE CREDIT FOR TIME WHILE AWAITING TRIAL ~~PRE~~ CONVICTION CREDITS. ACCORDING TO VA CODE <sup>①</sup> §3.1-210 THE "AGREEMENT ON DETAINERS" JURISDICTIONS HOLDING DETAINERS AGAINST PRISONERS ARE ENCOURAGED TO EXPEDITIOUSLY RESOLVE THEIR CHARGES. ACCORDING TO <sup>②</sup> §3.1-210 MILLER V. COMMONWEALTH GIVES A DEFINITION ON WHAT A DETAINER IS. ACCORDING TO §3.1-212 THE ENFORCEMENT POLICY ALL JURISDICTIONS AND AGENCIES ARE COMPELLED TO ENFORCE ALL OF THE STATUTES UNDER THE VA CODE.

THEREFORE FAULKNER COUNTY AUTHORITIES ERRED WHEN THEY DID NOT GIVE ME PRE-CONVICTION CREDIT FOR TIME AWAITING TRIAL. THUS MY SENTENCE STARTING DATE SHOULD REFLECT MARCH 10, 2017. ON A TWO YEAR TERM OF CONFINEMENT MY MAX EXPIRATION DATE SHOULD REFLECT MARCH 10, 2019 WITH GOOD CONDUCT CREDITS ALLOWED MY RELEASE DATE SHOULD HAVE BEEN ON 11/28/18. AS OF THIS DATE 11/12/19 I HAVE BEEN UNLAWFULLY HELD AND CONTINUE TO BE FOR A TERM OF CONFINEMENT THAT HAS BY VA CODE EXPIRED ALMOST 1 YEAR AGO. THESE PRE-CONVICTION CREDITS WERE COURT ORDERED BY JUDGE PARKER ON MY <sup>⑥</sup> SENTENCING ORDER

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FAUQUEN COUNTY HAS BLATANTLY ABUSED MY CIVIL RIGHTS. THE 5<sup>TH</sup> AND 14<sup>TH</sup>. THEREFORE I AM RESPECTFULLY REQUEST RELIEF FROM THESE CIVIL RIGHT VIOLATIONS.

## LIST OF EXHIBITS

- 1) VA CODE 53.1-210. THE AGREEMENT ON DETAINERS ARTICLE I
- 2) DETAINER NOTIFICATION FROM MTC CASE MANAGER MR OKPABF
- 3) MARYLAND PAROLE COMMISSION PAROLE RECOMMENDATION
- 4) MARYLAND PAROLE COMMISSION PAROLE RECOMMENDATION/DECISION
- 5) VA CODE 53.1-187 - CREDIT FOR TIME SPENT IN CONFINEMENT WHILE AWAITING TRIAL
- 6) COPY OF SENTENCING ORDER FROM FAUQUEN COUNTY CASE # MAY 29 2019 CR18000070
- 7) LETTER SENT TO CLERK OF COURT, COMMONWEALTH ATTORNEY
- 8) COPIES OF WARRANTS GIVEN TO ME OF FEB 19, 2016
  - A) 0016M160000505 / 29874
  - B) 2016000116 (B)
  - C) 2016000116 (C)